

SENATE BILL No. 369

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2-279.5; IC 14-25-14.

Synopsis: Drought planning. Creates the water shortage task force to develop and implement an updated water shortage plan.

Effective: Upon passage; July 1, 2006.

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January 11, 2006, read first time and referred to Committee on Energy and Environmental Affairs.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-279.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 279.5. "Task force", for purposes**
4 **of IC 14-25-14, has the meaning set forth in IC 14-25-14-1.**

5 SECTION 2. IC 14-25-14 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2006]:

8 **Chapter 14. Water Shortage Task Force**

9 **Sec. 1. As used in this chapter, "task force" refers to the water**
10 **shortage task force established by section 2 of this chapter.**

11 **Sec. 2. The water shortage task force is established for the**
12 **following purposes:**

13 (1) **To implement the 1994 water shortage plan when**
14 **necessary.**

15 (2) **With the involvement of affected parties, to update,**
16 **expand, and revise the 1994 water shortage plan to include a**
17 **low flow and drought priority use schedule.**



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(3) To accomplish the following:

(A) Establish procedures to monitor, assess, and inform the public about the status of surface water shortages for all uses in all watersheds, especially shortages due to drought.

(B) Recommend a state policy on desired baseline flow maintenance for in-stream uses, including habitat, that includes an equitable mechanism for achieving and maintaining flows so that the flows do not fall below natural baseline values.

(C) Recommend a state policy for promoting water conservation and establishing regulatory and capital infrastructure as permanent tools to complement temporary measures taken under the water shortage plan to address critical water shortage episodes, including a proposal to the Indiana utility regulatory commission for a rate structure option to favor conservation of water use while recovering the costs of service.

(D) Prepare a biennial report on the status of current surface and ground water withdrawals in all Indiana watersheds that:

(i) distinguishes between consumptive and nonconsumptive withdrawals; and

(ii) notes areas of current or likely water shortage challenges based on current usage trends and current knowledge of hydrology.

(E) Describe past and current surface water and ground water allocation conflicts and how conflicts have been resolved.

(4) To encourage units of local government to pass ordinances that establish priorities of water usage during droughts, including suggested model ordinances for counties and municipalities, and to publicize the need for local communities to be prepared for droughts.

(5) By July 2007, to demonstrate to the water resources study committee established by IC 2-5-25-1 how the water shortage task force has accomplished the tasks listed in subdivisions (3) and (4).

Sec. 3. (a) The task force consists of individuals representing the following interests, appointed by the governor for four (4) year terms:

(1) Key water withdrawal users, including the following:

(A) Public water supply utilities.

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- 1 **(B) Agriculture.**
 2 **(C) Steam electric generating utility companies.**
 3 **(D) Industrial users.**
 4 **(2) Academic experts in aquatic habitat and hydrology.**
 5 **(3) Municipalities.**
 6 **(4) Key stakeholders, including the following:**
 7 **(A) Environmentalists speaking for habitat and other**
 8 **in-stream uses.**
 9 **(B) Consumer advocates.**
 10 **(C) Economic development advocates.**
 11 **(D) The public.**
 12 **(b) The director shall serve on and is chairperson of the task**
 13 **force. The department and the department of environmental**
 14 **management shall provide staff support for the task force.**
 15 **Sec. 4. (a) The governmental advisory panel to the task force is**
 16 **established. The governmental advisory panel consists of**
 17 **representatives of the following agencies:**
 18 **(1) The department.**
 19 **(2) The department of environmental management.**
 20 **(3) The department of homeland security.**
 21 **(4) The department of agriculture.**
 22 **(5) The Indiana utility regulatory commission.**
 23 **(6) The state department of health.**
 24 **(b) In addition to the members set forth in subsection (a), the**
 25 **governor shall request representatives of the following agencies to**
 26 **serve on the governmental advisory panel:**
 27 **(1) The United States Geological Survey.**
 28 **(2) The United States Fish and Wildlife Service.**
 29 **Sec. 5. (a) Each member of the task force or the governmental**
 30 **advisory panel who is not an employee of the state or a political**
 31 **subdivision is entitled to the following:**
 32 **(1) The minimum salary per diem provided by IC 4-10-11-2.1**
 33 **for each task force meeting attended by the member.**
 34 **(2) Reimbursement for traveling expenses as provided under**
 35 **IC 4-13-1-4 and other expenses actually incurred in**
 36 **connection with the member's duties as provided in the state**
 37 **policies and procedures established by the Indiana**
 38 **department of administration and approved by the budget**
 39 **agency.**
 40 **(b) Each member of the task force or the governmental advisory**
 41 **panel who is an employee of the state or a political subdivision is**
 42 **entitled to reimbursement for traveling expenses as provided under**

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1 IC 4-13-1-4 and other expenses actually incurred in connection
 2 with the member's duties as provided in the state policies and
 3 procedures established by the Indiana department of
 4 administration and approved by the budget agency.

5 Sec. 6. The commission shall provide funding for the task force
 6 from the water resources development fund created by
 7 IC 14-25-2-4.

8 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this
 9 SECTION, "task force" refers to the water shortage task force
 10 established by IC 14-25-14-2, as added by this act.

11 (b) The governor shall make appointments to the task force by
 12 July 1, 2006.

13 (c) Notwithstanding IC 14-25-14-3(a), as added by this act, the
 14 initial terms of the members of the task force are as follows:

15 (1) Fifty percent (50%) of the members for a term of two (2)
 16 years.

17 (2) Fifty percent (50%) of the members for a term of four (4)
 18 years.

19 The governor shall designate whether a member is appointed to a
 20 term described in subdivision (1) or a term described in subdivision
 21 (2).

22 (d) The initial term of a member of the task force begins July 1,
 23 2006.

24 (e) The task force shall complete an initial revision of the 1994
 25 water shortage plan that includes the elements set forth in
 26 IC 14-25-14-2, as added by this act, before July 1, 2009, and
 27 present the revised plan to the water resources study committee
 28 established by IC 2-5-25-1 for review.

29 (f) This SECTION expires July 1, 2010.

30 SECTION 4. An emergency is declared for this act.

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